COMNAVFORJAPANINST 1752.1P NO1PERS/50 25 JUN 1999

COMNAVFORJAPAN INSTRUCTION 1752.1P

Subj: MARRIAGE WITHIN THE U.S. NAVAL FORCES, JAPAN AREA

Ref: (a) MILPERSMAN

- (b) Department of Health, Education and Welfare Manual for Medical Examination of Aliens
- (c) COMNAVFORJAPANINST 1300.10

Encl: (1) Checklist for Applicant

- (2) Sample Request for Authorization to Marry from Member
- (3) Sample Authorization of Marry
- (4) Statement Acknowledging Possible Ineligibility for Nonquota Immigration Visa
- (5) Affidavit of Competency to Marry
- (6) Listing of American Embassy and Consulates in Japan
- 1. <u>Purpose</u>. To amplify Article 5352-030 of reference (a) and promulgate information, policy, and administrative procedures on marriage of active duty personnel stationed within the U.S. Naval Forces, Japan (NAVFORJAPAN) area.
- 2. <u>Cancellation</u>. This instruction is a complete revision and cancels COMNAVFORJAPANINST 1752.1N. Therefore, no margin notations have been included.
- 3. <u>Scope</u>. Applicable to the following active duty Navy personnel assigned:
- (a) All personnel shore-based or attached to Forward Deployed Naval Forces (FDNF) or units within Japan when the marriage is to a U.S. citizen or foreign national.
- (b) All who are visiting the Japan area, wherein the marriage is to be performed, when the marriage is to a U.S. citizen.
- (c) Personnel <u>not</u> shore-based or attached to FDNF or units within the Japan desiring to get married in Japan to an foreign national.
- (d) Personnel desiring to marry an alien national residing outside Japan must make application to marry per Article 5352-030 reference (a) and the pertinent local instructions of the

particular area. A request for authorization to marry an alien residing in the Philippines must be submitted to Commander, U.S. Naval Forces, Marianas, per COMUSNAVMARINST 1752.1C.

- (e) Civilian personnel serving with, employed by, or accompanying the Armed Forces outside the United States under DoD sponsorship are not required to obtain authorization to marry.
- 4. <u>Information</u>. Article 5352-030 reference (a) promulgates general policies governing marriage of personnel stationed in or visiting overseas commands. Reference (b) promulgates instructions regarding hospitalization in the Continental United States of tubercular alien family members of U.S. Armed Forces personnel.

5. Policy

- a. It is the policy of the Department of the Navy that all active duty personnel have the same right to enter into marriage as any other citizen of the United States in the same locality. Such persons stationed in or visiting overseas commands will be required to obtain written approval from the designated representative of the overseas commander as indicated in Article 5352-030 of reference (a).
- b. This authority may be delegated as deemed necessary. The authority to authorize or disapprove requests to marry within Japan submitted by personnel stationed/aboard FDNF or units in Japan, as delegated to COMNAVFORJAPAN by Article 5352-030 of reference (a), is further delegated to all Navy activity Commanding Officers/Officers in Charge (commissioned officers only) having Navy personnel assigned. Appeals of delegated authority decisions and requests for decisions on unusual cases will be directed to COMNAVFORJAPAN (NO1PERS).
- c. In Japan, written and notarized permission from the parents or legal guardian must be included in the application if the applicant is under legal age of consent to marry in their state of domicile, as the Government of Japan looks to the law of that state to determine whether or not parental consent is required.
- 6. Action. Commanding officers/Officers in Charge (commissioned officers only) with U.S. Navy personnel assigned are designated as the area commander concerned and are authorized to grant approvals and waivers which are within the provisions of this instruction and applicable regulations. The following is a procedural outline of actions required by both individuals and Commanding Officers/Officers in Charge.

- a. <u>Individual's Responsibility</u>. A checklist is provided at enclosure (1) with amplifying information as follows.
- (1) Individuals contemplating marriage are to attend the Family Service Center Premarital Seminar. This program is designed for the service member and prospective spouse. If an applicant is unable to attend the seminar, optional counseling from a designated marriage counselor chaplain may be substituted.
- (2) U.S. Navy personnel shall submit their request for marriage within Japan to their Commanding Officer/Officer in Charge (with enclosures (1) through (4) as applicable) for approval. Personnel not under the geographic responsibility of the local area base commander shall submit their request to Commander, U.S. Naval Forces, Japan (NO1PERS) for approval. Enclosures (2) and (3) are sample request and approval letters, respectively. Enclosure (4) is a sample statement signed by both the applicant and the prospective spouse that approval of their proposed marriage will not necessarily result in the alien spouse being granted an immigration visa. The Commissioner of Immigration and Naturalization has final jurisdiction regarding entry of aliens into the United States.
- (3) After receiving the approval to marry from the applicant's Commanding Officer/Officer in Charge, each applicant must appear in person at the nearest Navy Legal Service Office to obtain an Affidavit of Competency to Marry (enclosure (5) refers).
- (4) The applicant must then translate the Affidavit of Competency to Marry into Japanese. For applicants marrying Japanese nationals, a blank form of notification of marriage (called "Konin Todoke") must be obtained from City Hall and completed in Japanese. Applicants unable to read and write Japanese may employ a professional translation agency or obtain assistance from friends. Two witnesses over 20 years old of any nationality must sign/witness the Japanese forms.
- (5) After reviewing and accepting the marriage notification forms by a registrar, the local Japanese City Hall will issue a "Certificate of Acceptance of Notification of Marriage" (marriage certificate) in Japanese. Applicants should bear in mind that the Japanese language original is the only legal marriage document. However, it will be necessary for applicants to obtain an Official English translation prior to contacting their personnel office to record the marriage and apply for any additional pay, allowances, or benefits.
- (6) After the civil registration of marriage, a U.S. Armed Forces chaplain or locally recognized ordained clergy may

perform the religious rite of marriage if desired, but in such cases, the certificate provided and any public record of the ceremony will contain the words, "Religious rite following civil registration of marriage."

- (7) File Form I-130 (Petition to Classify Status of Alien Relative for Issuance of Immigrant Visa) within 30 days after date of marriage with the American Embassy Consular Section or Consulate. See enclosure (6) for the nearest office.
- (8) Within 30 days after date of marriage, initiate application for Internal Revenue Service (IRS) Individual Taxpayer Identification Number (ITIN), Form W-7, with the nearest Navy Legal Service Office or the IRS Philadelphia Service Center, ITIN Unit, PO Box 447, Bensalem, PA 19020.
- (9) Approximately 180 days prior to the scheduled date of departure from the NAVFORJAPAN area, contact the visa office of the appropriate American Embassy or Consulate for the purpose of initiating the process for an immigration visa. (Note: In the case of Philippine nationals, the American Embassy, Tokyo advises arrangements for obtaining a visa should commence more than 180 days prior to scheduled date of departure due to the additional time required to process applications via the American Embassy, Manila. That embassy must be consulted prior to final resolution of travel in the case of Filipinos.) Delayed submission of the Immigration and Naturalization Service paperwork for an immigrant visa is not cause for continued logistical support of family members after sponsor departs Japan. See paragraph 9.

b. Commanding Officer/Officer in Charge Responsibilities

- (1) Emphasis must be placed on each request for marriage within Japan. Failure to screen each request carefully could result in unnecessary hardship to the service member.
- (2) Ensure applicant submits all required documentation with sufficient number of copies to allow retention of one copy of the completed application in the event of congressional or other official inquiry as to status of application, reason for not granting authorization, etc.
- (3) Verify applicant and prospective spouse have acknowledged in writing (enclosure (4)) that approval of their proposed marriage will not necessarily result in the alien spouse being granted an immigration visa, and even in those cases in which a visa is granted, there is no certainty that an alien spouse will be admitted to the United States at the port of entry. The Commissioner of Immigration and Naturalization has

final jurisdiction regarding entry of aliens into the United States.

- (4) Ensure counseling of applicant completed by the Command Financial Representative (or other qualified financial counselor) regarding responsibilities and financial arrangements for supporting the prospective spouse.
- (5) Verify applicant's attendance of Family Service Center Premarital Seminar. (Note: if applicant is unable to attend the seminar, optional counseling from a designated marriage counselor may be substituted).
- (6) Issue the Authorization to Marry when all requirements have been met. All approvals will be addressed to the member and in the format contained in enclosure (3).
- (7) Ensure applicant initiates application for petition for immigrant visa (INS Form I-130) within 30 days of the marriage. Form I-130 (Petition to Classify Status of Alien Relative for Issuance of Immigrant Visa) must be filed with the American Embassy or Consulate listed in enclosure (6) in person if the petitioner is a U.S. citizen. There is an \$85.00 fee for each petition submitted.
- (8) Ensure applicant initiates application for IRS Individual Taxpayer Identification Number (Form W-7) within 30 days of the marriage. Form W-7 must be filed with the Navy Legal Service Office or the Internal Revenue Service Philadelphia Service Center, ITIN Unit, PO Box 447, Bensalem, PA 19020
- (9) Forward copy of all disapproved requests for marriage to Commander, U.S. Naval Forces, Japan (N01PERS) for information. Advise applicants in writing that they may appeal the disapproval in writing to COMNAVFORJAPAN (N01PERS) via their Commanding Officer/Officer in Charge.
- (10) In unusual cases, the application may be forwarded to COMNAVFORJAPAN (N01PERS) for review and final disposition.

7. <u>General instructions for all applicants requesting</u> authorization to marry in Japan

a. Documents substantiating nationality of both parties, if U.S. citizens, are birth or naturalization certificates bearing the embossed seal of the issuing authority thereon, or a valid or expired United States passport. Extracts from military service records are not acceptable as evidence of U.S. citizenship, although in the case of a regular Navy (USN) commissioned officer born in the United States, a current armed forces identification

card will suffice in satisfying the nationality of the applicant or parties. In all other cases, U.S. Naval Reserve Officers, Chief Warrant Officers, USN officers born outside the United States, and enlisted members must submit birth or naturalization certificate or a valid or expired passport. When a passport/Naturalization certificate is used for substantiation, it will be returned to the applicant after examination. For nationals of a third country when marriage is to be effected in Japan, a valid passport or certificate of alien registration issued by the Japanese Government is required in order to substantiate citizenship.

- b. Certificates of birth and death, decrees of divorce and annulment, and similar official documents, must be certified, that is, obtained from the proper issuing authority (usually the Bureau of Vital Statistics) and properly signed and sealed by the issuing authority. A raised embossed seal is required in the case of a few states where a special machine-printed, colored signature is used for certification. Photo copies, when certified, are acceptable. Personal documents will be returned to the applicant after examination.
- c. A physical examination current within the past 6 months showing written evidence that both parties have been found to be free from infectious disease, Human Immunodeficiency Virus (HIV), and active tuberculosis is required. Reports of physical examination for active duty personnel and all U.S. citizens will be provided by written evidence from a medical officer of the U.S. Armed Forces or a U.S. Government contracted physician working in a U.S. Armed Forces medical facility.
- d. Minor American citizens require a notarized letter of consent from their parents or legal guardian. The age of majority varies from state to state and is generally 20 for males and 18 for females. Japanese citizens under the age of 20 must have signed permission to marry ("doisho") with English translation.

8. Status after Marriage

- a. After marriage, for which authorization has been granted in compliance with this directive, the contracting parties will be governed by the same regulations and policies applicable to other married personnel of the naval service except as may be precluded by specific provisions of the Status of Forces Agreement between the United States and Japan.
- b. Attention of newly married personnel should be directed to reference (a) General Article 1300 and reference (c) for Navy personnel, which promulgate policies regarding transportation of

family members from an overseas area, entitlement for logistic support, and length of tours of overseas service. Article 1300-160 of reference (a) defines "Command-Sponsored Dependent," "Acquired Dependent," and "Noncommand-Sponsored Dependent."

- c. Passport visas must be changed to reflect entry under the Status of Forces Agreement for all who are not Japanese citizens.
- d. Service members who are required to comply with this instruction but chose to bypass the requirements will be denied command sponsorship of their family member until such time as certain requirements of this instruction are met, i.e., attendance at the Family Service Center Premarital Seminar, completion of financial counseling, written acknowledgment of possible ineligibility for nonquota immigration visa (enclosure (4)), and written notification to the service member of the requirements to file documents with the Immigration and Naturalization Service (see paragraph 4 of enclosure (3). Such sponsorship will not be effective until such time as the commanding officer/officer in charge certifies in writing that the preceding requirements have been met or he/she waives specific requirements which are not reasonably attainable. All provisions of reference (c) must also be met.
- 9. <u>Support of Family Members</u>. It is the responsibility of each Navy member to provide full financial support to family members.
- a. When a military sponsor married to a foreign national refuses or fails to make provisions for entry of family member(s) into the United States or territory of residence, or when family members are debarred from entry, such family members will not be granted logistic support upon departure of the sponsor from the NAVFORJAPAN area. Sponsors will be informed of their obligation to support their family members as stated above and will be advised as to the desirability of executing an allotment to provide for the financial support of their family members.
- b. Family members of a sponsor who have submitted, in a timely manner per paragraph 6a(7) and (9), valid applications for immigration visas and for onward travel of family members to the United States or territory of residence, on a case-by-case basis, may be authorized full logistic support until eligibility for entry is established and a port call is received or until such time as they are notified of debarment of entry into the United States or territory of residence under pertinent immigration laws. Full logistic support may also be provided in those cases wherein the sponsor was unable to submit a valid request due to being returned to the Continental U.S. for cogent reasons, e.g., medical evacuation, emergency leave, etc., prior to the time

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family members are eligible to travel and invitation orders are issued, or notification is received that they are debarred from entry. All such family members will, however, be required to vacate public quarters per applicable housing policy upon permanent change of station departure of the sponsor from the overseas area of Japan.

- c. Logistic support will not be provided for family members in those cases wherein family members have refused to accept port calls for their onward travel to the United States or territory of residence of the sponsor.
- 10. Forms. Enclosures (2) through (5) are samples designed for use by applicants and commanding officers/officers in charge. Form I-130 (Petition to Classify Status of Alien Relative for Issuance of Immigrant Visa) may be obtained on request from the American Embassy or Consulate (enclosure (6)) or from the Passport Section at the nearest Personnel Support Detachment.

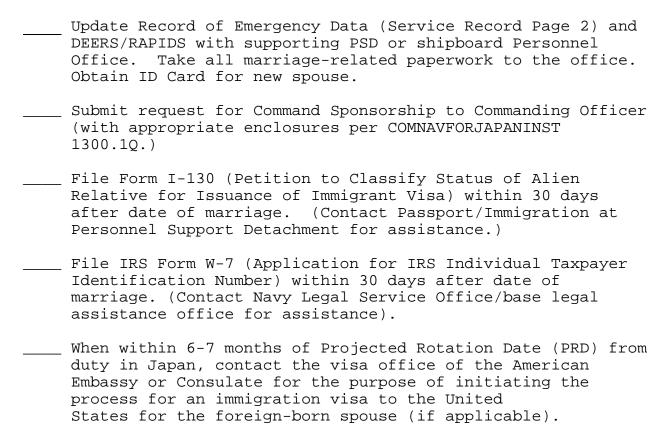
F. E. CRECELIUS Deputy and Chief of Staff

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Commander
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PSC 473 Box 12
FPO AP 96349-0051

MARRIAGE IN JAPAN CHECKLIST

Pre-Marriage:		
	Schedule/attend Family Service Center (FSC) Premarital Seminar.	
	Obtain documents to substantiate nationality of applicant and prospective spouse (passport, birth certificates, etc.).	
	Obtain physical examination (both parties - valid 6 months only).	
	Complete Statement Acknowledging Possible Ineligibility for Nonquota Immigration Visa (completed during FSC premarital seminar or can be obtained at Naval Legal Service Office/base legal assistance office).	
	Obtain family register ("Koseki Tohon") with English translation (for Japanese citizens).	
	If under legal age for marriage, obtain written consent of both parents or legal guardian.	
	Submit request letter for authorization to marry to Commanding Officer (with appropriate enclosures per COMNAVFORJAPANINST 1752.1P).	
	Obtain approval letter for Authorization to Marry, signed by the Commanding Officer.	
	Present approved Authorization to Marry letter (and enclosures) to Navy Legal Service Office to obtain an Affidavit of Competency to Marry.	
	Translate into Japanese the Affidavit of Competency to Marry.	
	Obtain registration of marriage (called "Konin Todoke") from City Hall. Two witnesses over the age of 20 of any nationality must sign/witness the Japanese forms.	
	After issuance of "Certificate of Acceptance of Notification of Marriage" (marriage certificate), obtain English translation.	

Post-Marriage:



SAMPLE REQUEST FOR AUTHORIZATION TO MARRY

From: RP2 Able B. Seaman, USN, 000-00-0000

To: (Applicant's Commanding Officer/Officer in Charge)

Subj: REQUEST FOR AUTHORIZATION TO MARRY

Ref: (a) COMNAVFORJAPANINST 1752.1P

- (2) Report of Physical Examination for both parties (valid six months)
- (3) Statement Acknowledging Possible Ineligibility for Nonquota Immigration Visa
- (4) Evidence of termination of previous marriage (applicant or prospective spouse)
- (5) Family Register (Koseki Tohon) with English translation for Japanese citizens
- (6) Written statement of consent of both parents, or legal guardian for parties under legal age for marriage)
- 1. Request to be granted authorization to marry within Japan. The following information is submitted:

Applicant

Full Name:

Rank/Rate:

SSN:

PRD:

Approximate Date of Marriage:

Date/place of birth:

Nationality:

Previously Married: Yes/No (If yes, list date/place (city/state) and disposition of marriage (divorce/death,

date, place))

Dependents: (Relationship and age)

Prospective Spouse

Full Name:

Present Address/Phone:

Date/place of birth:

Nationality:

Previously Married: Yes/No (If yes, list date/place (city/state/country)) and disposition of marriage

(divorce/death, date, place))

Dependents: (Relationship and age)

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- 2. Requirement to attend Family Service Center Premarital Seminar was completed on DDMMYY [or if optional counseling by a designated chaplain, list name/command of chaplain providing counseling].
- 3. I have been adequately counseled by a Legal Assistance Officer and understand the provisions and restrictions of Public Law 414, 82nd Congress (Immigration and Nationality Act) concerning entry into the United States of my prospective spouse.
- 4. Should authority to marry be granted, I understand the United States is in no way obligated to transport the spouse or dependents to the United States except as provided for in current Armed Forces directives. Further, I understand the provisions of all applicable regulations pertaining to marriage in the NAVFORJAPAN area.

Applicant's Signature

SAMPLE AUTHORIZATION TO MARRY

1752 Ser /

From: (Commanding Officer/Officer in Charge)
To: RP2 Able B. Seaman, USN, 000-00-0000

Subj: AUTHORIZATION TO MARRY

Ref: (a) COMNAVFORJAPANINST 1752.1P

(b) [fully identify member's letter request]

- 1. Per reference (a), your request in reference (b) to marry [name of prospective spouse] is approved.
- 2. This authorization to marry applies to you only as a member of [indicate command]. You must comply with Japanese regulations and local laws governing the registration of marriages.
- 3. (If applicable) Visas are issued by the Foreign Service of the U.S. State Department. Military authorization of your proposed marriage does not necessarily result in your prospective spouse being granted an immediate relative immigration visa. Even in those cases in which a visa is granted, there is no guarantee that an alien spouse will be admitted into the United States at port of entry; final jurisdiction regarding entry of aliens is within the cognizance of the Commissioner of Immigration and Naturalization.
- 4. (If applicable) In order to enhance the possibility of concurrent travel from the area, a "Petition to Classify Status of Alien for Issuance of Immigration Visa," Immigration and Naturalization Service (INS) Form I-130, must be filed within 30 days after marriage at the American Embassy or American Consulate, as applicable. Processing for visa should be initiated no less than six months prior to the expected date of departure from the area.

(CO's/OIC's Signature)
NOT "By direction"

STATEMENT ACKNOWLEDGING POSSIBLE INELIGIBILITY FOR NONQUOTA IMMIGRATION VISA

(Date)

As set forth in COMNAVFORJAPANINST 1752.1P, we have been advised regarding our contemplated marriage and are aware that (name of prospective alien spouse) may not be eligible for an immediate relative immigration visa to the United States in accordance with the Immigration and Nationality Act of 1952 (Public Law 414, 82nd Congress) as amended. Even in those cases in which a visa is granted, there is no guarantee that an alien spouse will be admitted into the United States at the port of entry; final jurisdiction regarding entry of aliens is within the cognizance of the Commissioner of Immigration and Naturalization. Fully acknowledging this fact, we nevertheless hereby declare that we desire our contemplated marriage be authorized.

(Signature of Applicant) (Signature of Prospective Alien Spouse)

Parent's Approval, if applicable, below:

Distribution:
Authorizing Official
Applicant

	COMNAVFORJAPANINST 1752.1P 25 JUN 1999
WITH THE UNITED STATES ARMED FORCES AT U.S. FLEET ACTIVITIES, YOKOSUKA, JAPAN)) ss.) AFFIDAVIT OF COMPETENCY TO MARRY
Declarant:	
, the (birth (son/daughter) of and	order),
Date of birth: Place of birth: Occupation: Evidence of citizenship:	
I, the above-mentioneddo declare that according to the laws marriageable age, that I (have/have no that there is no hindrance, legal or o marriage to, a	of my state, I am of legal ot) been married before, and otherwise, to my uniting in
ACKNOWLEDGE	EMENT
SERVING WITH THE ARMED FORCES OF THE UNAVAL LEGAL SERVICE OFFICE, NORTHWEST Before me personally appeared Produced a Uniformed Services Identifiable the identical person who is describe executed the foregoing instrument on the free, and voluntary act and deed, for	who, having cation Card, is known to me to bed herein, and who signed and this day,, as a true,
considerations therein set forth. And a petty/ Commissioned officer of the Armed Force in the rank indicated below, that by fewercise the powers of a notary without that this document is executed by me i and in that capacity.	es of the United States serving dederal law I am authorized to trequirement of a seal, and
Authorized to Administer Oaths & Act a Notary under 10 USC 1044a (Art. 136 UC NO SEAL REQUIRED	

Listing of American Embassy and Consulates in Japan

Atsugi, Misawa, Yokosuka

Embassy of the United States American Embassy of America Consulate Section

Box 205 Passport Branch Unit 45004

1-10-5, Akasaka PO Box 205-IV Minato-Ku, Tokyo APO AP 96337-5004 ATTN: Mr. Ohira

Embassy Switchboard: DSN: 224-5169 Commercial: 03-3224-5000

Visa Information: 0990-526-160 (toll call) Immigrant Visa Fax Inquiries: 03-5570-5041

American Citizens Telephone Information Line: 03-3224-5168

Recorded message: Commercial: 0990-526-160

Hours of Operation: Monday-Friday 0830-1200 and 1400-1600

(Excluding American and Japanese Holidays)

Iwakuni

Consulate General Osaka 11-5 Nishitenma 2-Chrome Kita-ku, Osaka 530

Consulate Phone Number: Commercial 06-315-5900

Fax Inquiries: 06-315-5914

Hours of operation: Monday-Friday 0900-1230 and 1330-1700

(Excluding American and Japanese Holidays)

Okinawa

American Consulate General American Consulate
2564 Nishihara PSC 556 Box 840
Urasoe City 901-2101 FPO AP 96386-0840

Consulate Phone Number: DSN: 645-7323 Commercial: 098-876-4211

Hours of Operation: Monday-Friday 0830-1130

(Excluding American and Japanese Holidays)

American Embassy and Consulates in Japan (Continued)

Sasebo

American Consulate General Fukuoka American Consulate 5-26 Ohori 2-Chrome, Unit 45004, Box 242 Chuo-ku, Fukuoka 810-0052 APO AP 96337-5004

Consulate Phone Number: Commercial 092-751-9331

Fax Inquiries: 092-725-3772

Hours of Operation: Monday-Friday 0900-1200 and 1300-1600

(Excluding American and Japanese Holidays)

OSAKA-KOBE

American Consulate General Osaka-Kobe 11-5 Nishitenma 2-Chrome Kita-ku, Osaka 530

Consulate Phone Number: Commercial 06-315-5900

Fax Inquiries: 06-315-5930

American Services Recorded Information: 06-315-5995

Visa Info: 0990-5-12122 (toll call)

NAHA

American Consulate General Naha 2564 Nishihara, Urasoe-shi, Okinawa 901-21

Consulate Phone Number: Commercial 0988-76-4211

Fax Inquiries: 0988-76-4243

SAPPORO

American Consulate General Sapporo Kita 1-Jo, Nishi 28-Chome, Chuo-ku, Sapporo 064

Consulate Phone Number: Commercial 011-641-1115

Visa Information: 0990-5-43115 (toll call)

Fax Inquiries: 011-643-1283

American Embassy and Consulates in Japan (Continued)

NAGOYA

American Consulate Nagoya Nishiki SIS Bldg. 6Fl 10-33, Nishiki 3-Chome Naka-ku, Nagoya 460

Consulate Phone Number: Commercial 052-203-4011

Fax Inquiries: 052-201-4612